1949 **File No.** Fees II DWR 49

Legal Department—

Examiner

C **BRANCH**

**Subject:—** Applications for enhanced fees from D.E.P P.P and their Assistants from Dharwar District-

P-142-E

837-C

Fees II DWR/49

**File No.**

Gen. 84— 25 3—1, [illegible]—[illegible]—[illegible]

837-C

# C O N T E N T S.

Legal Department.

Vol. - Fees II Dwr./49


| Sr.No. | Compilation No. | Subject. | Pages. |
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| 1. | R.I. No.14496 3-11-48<br>G.M.L.D.No.13026 16-11-49. | Application for enhanced fees in Civil Appeal No.359/1946 of Asstt. Judge Court Dharwar - Province of Bombay vs. S.H. Patil G.M.L.D. No.3148 dt. 18-11-46. | 1-2 |
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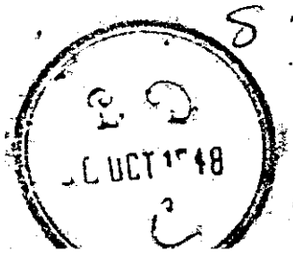
21/3/17



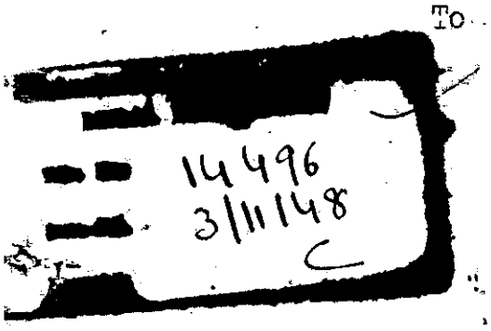
S Dw 12/41

No. 1051 dated 28 Oct 1948.
Office of the 1st Govt Pleader.
Dharwar.

From

R.V.Jathar, Esqr., B.A.,LL.B.,
Assistant Government Pleader,
D h a r w a r.

To



The Remembrancer of Legal Affai
B o m b a y.

Subject:- Application for enhanced fees in Civil Appeal No.359 of 1946 of Asst Judge Court, Dharwar - Province of Bombay Vs. Shripad Hanmant Patil. C.P.L.R.No.3148 dated 13-11-1946.

Sir,

I respectfully beg to approach you with request to sanction special fees in Civil Appeal 359 of 1946 of the Asst Judge Court Dharwar.

This appeal involved intricate questions of facts and law in respect of alluvion and I had to carefully study all the documents and law which benefitted me in getting this appeal allowed. In my arguments I made out a very convincing case for the Government and succeeded in the appeal.

I, therefore respectfully pray to sanction special fees of Rs.50/- only in addition to the fee (Rs.15/- only) actually allowed by the Court.

Yours faithfully,

R.V.Jathar

1st Govt Pleader.

2

No. 10440

Legal Department.

Bombay Castle, 9th November 1948.

Returned to the Assistant Government Pleader

Dharwar .

2. He should forward the application through the District Magistrate, Dharwar after following the procedure laid down in the Bombay Law Officers (Conditions of Service) Rules 1939. (Vide rule 26(2) ).

K J Patwardhan

Assistant Secretary to Government.

Ns. 1112 dated 18/11/48
Office of the Dist. Govt Pleader
Dhd.

Respectfully submitted through the Collector of Dharwar.

A copy of the judgment has already been forwarded. The appeal was argued only on one day before Mr. Majeshwar, the Assistant Judge, Dharwar who is transferred to Karwar. Hence a certificate of attendance is not enclosed. The decree and judgment show that I had appeared in this appeal and argued it.

R. V. Jathar
Asst. Govt. Pleader,
17/11/48

No. CRD SR-991.
Dharwar 26-11-1948.

18 NOV 1948

Read:

The application should please be sent through District Government Pleader Dharwar for Rema to the D.G.P., Dharwar

Bailey
Collector of Dharwar

Below Collector Dharwar's No.L.N.D.S.R.991 dated 26-11-1948.

No. 1226 dated 29 Dec '48.
Office of the Dist Govt Pleader,
Dharwar.

Returned with compliments.

The subject matter of the suit is worth Rs.500/- In Suits for injunction pleader's fees have to be calculated on this sum which means that they should be Rs.25/- (vide 28 Bom.L.R.582.)

The case was heard on one day. From the Roznama of the case I find that there are 98 exhibits. That means it is a fairly big case. From the issues I notice that there are certain questions of law involving a special study. In my opinion Rs.50/- is quite reasonable for this case.

29 DEC 1948

Dist Govt Pleader.

4

No LND SR 991

Dharwar. 3-8-1949

Submitted to the Remembrancer of Legal Affairs, Bombay.

2) In view of the recommendation of the Dy Govt Pleader, there appears no objection to sanction a special fee of Rs 50/-.

L C
9 AUG 1949

2) Collector Dharwar

THE SECRETARY TO GOVT.
LEGAL DEPARTMENT
File No. 12227
Dated 10/8/49

Submitted.

This is an application from the A.G.P. Dharwar for enhanced fees for conducting Civil Appeal No. 359/46. (Province of B.B. Vs S.M. Patil).

2. The D.G.P. states that the Subject matter of the suit has worth Rs 5000/- and the Pleader's fees therefore come to Rs 25/-. It was a long case. There were 98 exhibits and the questions of law involved special study. He therefore recommends that the fee of Rs 50/- claimed by the A.G.P. is reasonable.

3. The D.M. agrees with the D.G.P.'s recommendations.

4. From the Judgment it will be seen that Case was argued

1 p/c 13:-1-42
Inw 1:3:42/41
Reg A

when Addl Judge Mr. Manjeshwar. At the time of submitting the application for enhancement the Mr Manjeshwar was transferred from Dharwar. It appears desirable to obtain his remarks on the Apps application as the ~~will be is~~ case was argued before him

Mrs - My in : now D.J. Kolar.

for orders.

13/8

S.S. 13/8.

D.S. 16.8

No.9458
Legal Department,
Bombay Castle, Aug.1949.

To

The District Judge,
Kolaba, Alibag.

Sir,

I am directed to state that Mr.R.V.Jathar the Assistant Government Pleader, Dharwar had conducted before you Civil Appeal No.359 of 1946 (Province of Bombay Vs. S.M.Patil) while you were at Dharwar as Assistant Judge. The Assistant Government Pleader has now applied for enhanced fees at Rs.50/- per day on the grounds that it involved intricate questions of facts and law in respect of alluvion and also that it was a very heavy case. The appeal was heard and decided on the same day.

I am therefore to enquire whether the Assistant Government Pleader's request is reasonable and deserves consideration.

Yours faithfully,

For Secretary to Government.

KML/16

9

14259
31/8/49

No. 268 of 1949.
District Court, Kolaba.
Alibag, Dated 25th Aug. 49.

From,

B.V.Manjeshwar, Esquire, B.A.LL.B.,
District Judge, Kolaba, Alibag.

To

The Secretary, Government of Bombay,
Legal Department, B o m b a y.

Sir,

With reference to your No.9458 of 22/8/49, I have the honour to state that I have got faint recollection of Mr. Jathar having argued before me at Dharwar an appeal in which there was a question of alluvion. But at this distance of time it is not possible for me to say what questions of facts and law were involved in that appeal, so as to enable me to recommend or otherwise Mr. Jathar's present claim for enhanced fees. I may perhaps be able to say something if a copy of my Judgment in that appeal is sent to me for my perusal.

Yours Faithfully,

B V Manjeshwar

District Judge, Kolaba,
At Alibag.

Enclosure

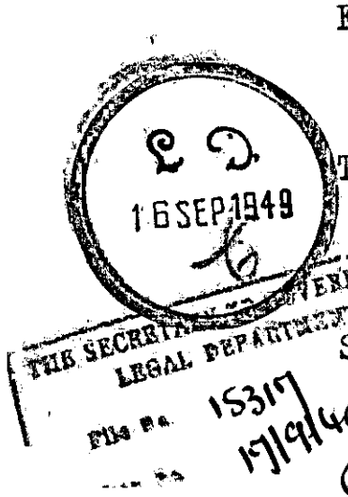
In reply to this Deptt
L. No 9458, dt the 22nd Aug
1949 the D.V. Kolaba states
that he would like to
offer his remarks if any
of the judgment in the said
appeal is sent to him
for perusal.

Copy of the judgment
may therefore be detached
from the file and sent
to D.V Kolaba with request
to return the same when
done with. Very little is finding fault with
[illegible] D.V.

No. 446 of 194
District Court, Kolaba,
Alibag, 14th September 1949.

From

B.V.Manjeshwar, Esquire, B.A.LL.B.,
District Judge, Kolaba at Alibag.




To

The Secretary,
Government of Bombay,
Legal Department, Bombay.

Sir,

With reference to your No. 9458 dated 22nd August 1949 and No. 10280 dated the 12th instant, I have the honour to state that on perusal of the copy of the judgment in Civil Appeal No. 359 of 1946 (Province of Bombay Vs. S.M.Patil) on the file of the Assistant Judge, Dharwar, I find that the said appeal involved intricate questions of facts and law in respect of alluvion and also that it was a ~~very~~ heavy case. In my opinion Mr. R.V.Jathar the Assistant Government Pleader may be allowed enhanced fees at Rs. 30/- per day. The copy of the judgment referred to above is returned herewith.

Yours Faithfully,

B.V.Manjeshwar

District Judge, Kolaba,
At Alibag.

Submitted.

Pl. see Office note at pp. 5-6 & letter of Distt Judge Kolaba at p. 7 ante.

The D. J. now states that Civil Appeal No. 359 of 1946 involved intricate questions of fact and law in respect of alluvion and also the case was heavy. He therefore recommends that the A.G.P. Bharwar may be allowed a fee of Rs 30/-

2. If any enhanced fees are to be allowed F.D's Sanction will be necessary.

17/5

S.J.

The ... this ... Pl ... ...

Legal Department. 12 13

Submitted.

p.1 ante

This is an application from the A.G.P. Dharwar for enhanced fees for conducting Civil Appeal No.359/46 (Province of Bombay vs.S.M. Patil).

p.3 ante

2. The D.G.P. states that the subject matter of the suit was worth Rs.500/- and the Pleader's fees therefore came to Rs.25/-. It was a big case. There were 98 exhibits and the questions of law involved special study. He therefore recommends that the fee of Rs.50/- claimed by the A.G.P. is reasonable.

p.4 ante

3. The D.M. agrees with the D.G.P's recommendations.

4. The case was argued in the court of the Asstt Judge Mr.Manjeshwar who was later transferred to Kolaba as Dist.Judge. His remarks were not therefore obtained by the A.G.P. while forwarding his application for enhanced fees. A reference was therefore made to him with a request to offer his remarks. He now p.13 ante states that the appeal in question involved intricate question of facts of alluvion and also that it was a heavy case. He therefore recommends that a fee of Rs.30/- may be sanctioned to the A.G.P.

5. Under rule 21(1) of the L.O.(C.of S.) Rules the A.G.P. is entitled only to such fees as are actually allowed by the Court as fees in the cause or as might have been allowed as fees in the cause had the decision been favourable to Government. The A.G.P's fees in this case therefore would amount to Rs.15/- only. The A.G.P's request for enhanced fees is therefore for consideration. F.D's sanction will be necessary if any enhanced fees are to be allowed.

AD 23/9 D.S.

The recommendation of the D.J. with the A.G.P. may be allowed Rs 30/- per day (inclusive of fees already received) may be accepted.

R.L.A. 1.9. 46-9

A.S. recommends that Mr D.J. "Mr Mangalmurti (the Judge who heard the appeal) a fee of Rs 30/- may be sanctioned

R

28/10

x

I.R. & F.D. No. 12131 of 29th Oct 1949

Fin. Deptt

Fin.

The proposal made by Legal Department may be agreed to.

D.M.B 1/11/49

U.O.N. to Legal Deptt. dt. 4/11 will L.D. for S.D.M. 12/11

Submitted.

The F.D. has agreed to the proposal to grant the A.G.P. Dharmsala a special fee of Rs 30/- for conducting C.A. No. 359 of 1948.

Necessary memo to the A.G. is put up for signature.

1/11 SS 12/11 D.C.

x w.r.t. L.D.

29/X

FINANCE DEPARTMENT

THE SECRETARY TO A-S(S), LEGAL DEPT.

File No 18175

Date 7/11/49

C. D. 7 NOV 1949

Pl. return U.O. to Legal Deptt will L.D. for S.D.M. 12/11

No. 1392-C
Legal Department,
Bombay Castle, (Bombay No. 1)
Dated 16th November 1949.

MEMORANDUM.

The undersigned presents compliments to the Accountant General, Bombay and is directed to convey the sanction of Government under rule 26 of the Law Officers (Conditions of service) Rules to the payment to Mr. R. V. Jathar, B.A.LL.B Assistant Government Pleader, Dharwar of a fee of Rs. 30/- (Rupees thirty only) for having conducted Civil Appeal No. 359 of 1946 (Province of Bombay Vs. Shripad Hanmant Patil) in the Court of the Assistant Judge, Dharwar.

2. The fee sanctioned is inclusive of the ordinary fee admissible under the Law Officers (Conditionsof Service) Rules.

By order of the Governor of Bombay,

Dy. Secretary to Government.

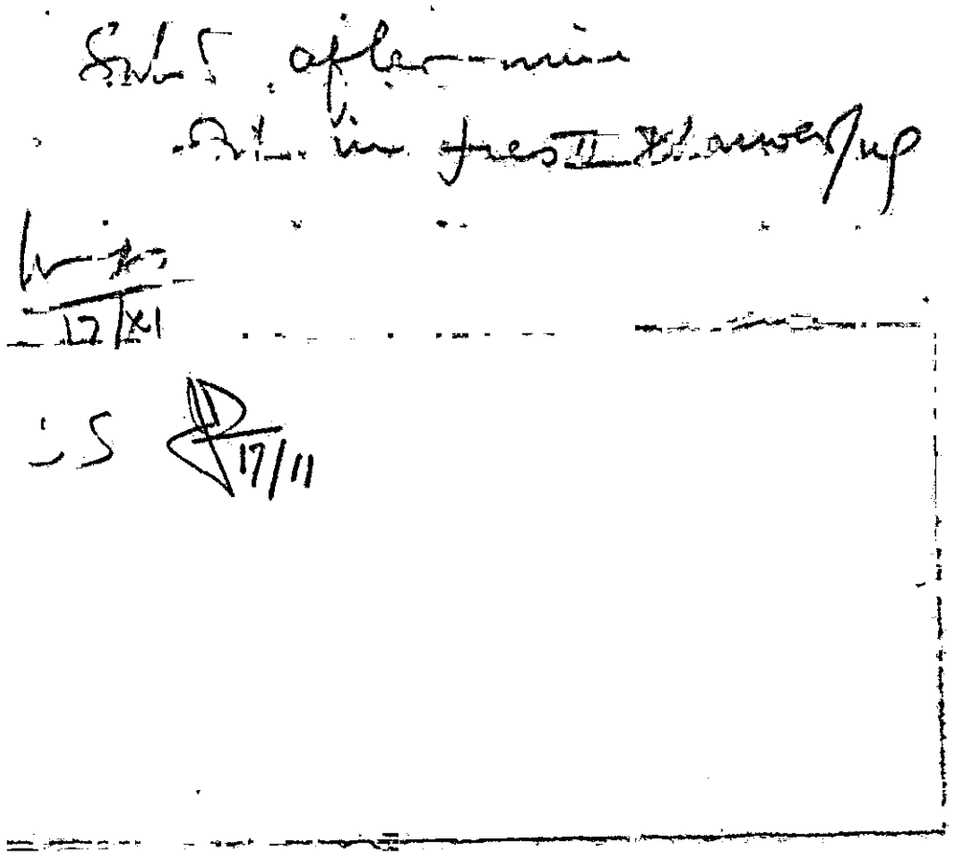
The Accountant General Bombay (Through the Finance Department).

Issued 16/11

Copy to

The District Magistrate, Dharwar,
The Finance Department,
The Rao R. V. Jathar, B.A.LL.B.
Asstt. Government Pleader, Dharwar.

Finance.



The Remembrancer of Legal Affairs,

Bombay.

Subject :- L.C. Suit No. 94 of 1947 of [illegible] Court
G.R.L.C. No. 3961 of 3rd September 47
and Collector's No. Lav-473 of 12-7-
-- enhanced fees in.

.....

Sir,

I beg to apply under rule 26 of the Law Office Rules for an enhanced fees as under :-

1. The important question involved in this suit i whether the Chetsunadi lands are vatan lands. In thi case voluminous records relating to the pre-British period and British period, correspondence and reports of various officers are produced and there are as man as 184 exhibits in this case, which covered several typed pages. Ex.82 is Rao Bhadur Kamalpurkar's report to the S.L.R. and covers 59 pages (closely pri ed) of foolscape half sheet size. I had to make a special study of the subject both case law and facts extending from the Peshwa period. This is a case of unusual importance or difficulty. The fees allowed t me in decree is Rs.15/- only. In view of the unusual importance of the case I am claiming Rs.100/- only as enhanced fees besides Rs.15/- which is awarded in the decree.

2. The case was argued on one day only when the reports and exhibits were explained in detail. Though the suit was ultimately dismissed it held that the so long as the decision of the Bombay High Court in Limbaji v. Rama 18 B.L.J.127 is not overruled this Co Court is bound by that decision.

3. It is therefore repectfully prayed to sanction the enhanced fees of Rs.100 only for which act of cin

Yours faithfully,
R.V. Jathar
Asst. Govt. Pleader

Submitted through the Dist. Govt. Pleader and Collector of Dharwar.

No. 426 dated 18 May '49.
Office of the Dist Govt. Pleader,
Dharwar.

Forwarded with compliments to the R.L.A., for favour of favourable consideration.

Dist. Govt. Pleader.

18 MAY 1949

Through the Collector Dharwar.

No. L.A.U.479
Dharwar, 19-5-1949

Forwarded with compliments.

for Collector
19/5

Subd.
This is a proposal from the DGP Dharwar to enhanced fees under R. 26 LORs. This may be dealt with in C.R.

25/5-

2795

Below letter dated nil from the Assistant Government Pleader, Dharwar, to the Remembrancer of Legal Affairs, Bombay, for enhanced fees in Civil Suit No. 94/47.

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No. 6614

Office of the -
Remembrancer of Legal Affairs,
Bombay Castle, 15th June 1949.

Forwarded to the Civil Judge (Senior Division), Dharwar, for remarks.

2. He is requested to forward the same through the Collector, Dharwar.

In 397.

for Remembrancer of Legal Affairs.

11/6.

4

No.

Civil Judge, Court, Senior Division
Dharwar

Returned with compliments.

The case was difficult and was of unusual importance. The Assistant Government pleader has taken great pains in going through the voluminous record. He had put before the court all intricate questions of law and facts ably and with marked industry. So, this is a fit case for giving enhanced fees as requested by the Assistant Government pleader.

9-9-1949

S. S Alur
Civil Judge, Senior Division
Dharwar.

Forwarded with compliments through the Collector of Dharwar.

9-9-1949

S. S Alur
Civil Judge, S.D.
Dharwar

W.C.

...d 607

Below c.g.sr.dis No. 607 of 8-9-1949

No. L.A.W.

Dharwar, 15-9-1949

F.U.C. to the Dist. Govt. Pleader, Dharwar with a request to enclose a certificate (in original) of the date of attendance in court and a copy of the judgement or order in the proceeding.

Received 19/9
IWO 713 for Dept.

Bombay
Asstt. for Collector (S)

The certificate (in original) of the date of attendance and a copy of the judgment are already submitted to the Remembrancer of Legal Affairs. So the papers may be forwarded to the Remembrancer of Legal Affairs for his sanction.

However one more certified copy of judgement is sent herewith which may please be returned when done with. A true copy of certificate issued by Govt. Pleader.

R.N. Jalhan
12/2/49

Legal Department.

Submitted.

For the reasons stated in his application at page 1 ante the A.G.P. Dharwar requests that he may be sanctioned enhanced fee of Rs.100/- in addition to the fee of Rs.15/- as awarded in the decree for conducting L.C.C.S. No. 94 of 1947 (Fakirappa U. Hanamar and another vs the Provincial Govt of Bombay and the other).

2. The D.G.P. has forwarded the application for favourable consideration. The Civil Judge, (S.D.) Dharwar who was requested to offer his remarks states that the case was difficult and was of unusual importance. The A.G.P. had taken great pains in going through the voluminous record and putting before the court all intricate questions of law and facts ably and with marked industry. He therefore recommends the A.G.P's request for enhanced fees.

3. The Collr has not offered any remarks.

4. The case is governed by rule 21(1) of the L.O.(C.of S.) Rules. The A.G.P. therefore gets a fee of Rs.15/- only as awarded in the decree. His request for enhanced fee of Rs.100/- in addition to the usual fee is therefore for consideration. F.D.'s sanction will be necessary if any enhanced fee is to be sanctioned.

11/X

12/10

A.S (M)

D.S. The case no doubt appears to be of some importance & the A.G.P. must have spent some time for preparing his appeal. He appears however to have taken only one day. We may grant him one day's fees in addition to the fees awarded

A Sum of Rs 50/- may be sanctioned in ~~addt~~ addition to the fees recovable in the cause

R
14/10

F
13.10.49

U.R. in F.D. No. 11547 d. 17-10-1949.

F.D.
F.

The F.D. proposal may be agreed to.

Thru F.M. Dt. Bahai 19.10

A.S (S)

RETAINER
Rs 85.88
12/10/49

Submitted w.r.t. the A.S.(S)'s pencil note dt. 20.10.49.

2 Some of the similars will be found at slips in the F.D. file No. 5419(33)/5 placed below. It is usual in such cases to sanction enhanced fees which are inclusive of the ordinary fees admissible under the Law Officers' Rules. In the present case therefore, the enhanced fees should be sanctioned at Rs 65/- ~~which~~ inclusive of the ordinary fee of Rs 15/-.

A.S.(S)

Rest
Private
The F.D.

Submitted

The A.D. has agreed to the grant of fees to A.A.P. Dharwar as recommended by the R.L.A.

Necy Sanction may now be conveyed to the A.G.

17/XI

S J 21/11

D.J.

No. 13334

Legal Department,

Bombay Castle, Bombay No. 1, 22nd November 1949.

MEMORANDUM.

The undersigned presents compliments to the Accountant General, Bombay, and is directed to convey the sanction of Government under rule 26 of the Law Officers (Conditions of Service) Rules to the payment to Mr. R.V. Jathar, B.A., LL.B., Assistant Government Pleader, Dharwar of a fee of Rs. 65/- (Rupees sixty-five only) for having conducted Long Cause Civil Suit No. 94 of 1947 (Fakirappa U. Hanamar and another vs. The Provincial Government of Bombay) in the Court of the Civil Judge (Senior Division), Dharwar.

2. The fee sanctioned is inclusive of the ordinary fee admissible under the Law Officers (Conditions of Service) Rules.

By order of the Governor of Bombay,

Deputy Secretary to Government.

To

The Accountant General, Bombay
(through the Finance Department).

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Copy to The Finance Department,
The Collector of Dharwar,
The District Judge, Dharwar,
Mr. R.V. Jathar, B.A., LL.B., Assistant Government Pleader, Dharwar (with a copy of Judgment).

[illegible] this Department
[illegible]

LDR.
17.11